

Notice of Allowability

Application No.

09/992,887

Applicant(s)

CAVALLARO ET AL.

Examiner

Carl H. Layno
5/14/04

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Paper No.03292004.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 19 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Acknowledgment is made of applicant's amendment which was received by the Office on March 29, 2004.

2. Claims 1-21 are pending and active.

Claim Rejections - 35 USC § 102

3. Upon further reconsideration of applicant's arguments and amendments to the claims, the Examiner is withdrawing the 35 U.S.C 102(b) rejection of Nafis et al '631 (PCT) or Halpern et al '717 (Applicant's prior art), which was made against claims 1 and 12 in the last Office action.

Allowable Subject Matter

4. Claims 1-21 are now deemed to be allowable over the prior art of record for the reasons given below in the Examiner's statement of reasons for allowance.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

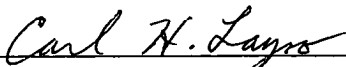
Having reconsidered applicant's arguments with respect to amended independent claim 1 and claim 12, the Examiner is persuaded that the Nafis et al '631 PCT patent and Halpern et al '717 patent fall short of applicant's claimed system features and corresponding method steps, respectively. Though the references of Nafis et al and Halpern both disclose systems capable of

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displaying real-time and non-real time medical data concurrently, it is unclear from these references whether or not independent software *processes* for both types of data (as opposed to subroutines or hardwire circuits) are used to display this data free from the execution of their operating systems. Other references in the prior art, such as Hossack et al '426 (cited herein), also disclose systems capable of displaying real-time and non real-time medical data, however, these systems do not "concurrently" display data. Rather, medical data normally displayed in real-time, can be slowed to non-real time for closer inspection -- not both at the same time. Unable to find medical display systems in the prior art matching applicant's specific claim details, the Examiner deems these claims and their depending claims to be allowable over the prior art of record.

Newly independent claims 2, 3, 6, 9, 13, 16, and 19 disclose details previously allowed but objected to in the last Office action, which the applicant has merely rewritten in independent form. Consequently, these claims and their depending claims are also deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



CARL LAYNO
PRIMARY EXAMINER

CHL
5/14/2004